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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3731

PATENT
1817-0116P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Emmet J.H.P. ANDREWS Conf.: 4454
Appl. No.: 09/985,863 Group: 3731
Filed: November 6, 2001 Examiner: Roberts
For: SURGICAL FORCEPS

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08/02/2004 CCHAU1 00000029 09985863

01 EC:2401
02 FC:2253

165.00 OP
265.00 OP

July 30, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 30, 2004 of the Primary Examiner finally rejecting claims 1-87.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of third (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ An extension of two (2) month(s) for responding to the Final Rejection was previously requested and paid for on June 30, 2004. Thus a fee of \$265.00 is required to obtain an additional third (3) month(s) for filing the Notice of Appeal.

☒ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☐ Large entity - \$330.00

☒ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$430.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$430.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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(Rev. 02/12/2004)